IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 308/2000

PRAHLAD SINGH & ORS. Vs. STATE OF RAJASTHAN & ANR.

DATE: 08.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajdev Tripathi for
Mr. Rajendra Prasad for the petitioners.
Mr. Ashwani Kumar Sharma, PP for the State.

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The present criminal revision petition under Section 397 Cr.P.C. is preferred by the petitioners against the judgment dated 08.06.2000 passed by the Additional Sessions Judge No.1, Bharatpur in Criminal Revision No. 14/2000- Kalua Vs. State & Ors., whereby the criminal revision filed by the respondent No.2 Kalua against the order dated 19.04.99 passed by the Sub Divisional Officer, Bharatpur in Case No. 7/99 has been allowed and the order dated 19.04.99 has been set-aside.

It is not disputed that the receiver has been appointed by the SDO and the crop has been auctioned and the sale proceed of Rs. 3,700/- has been deposited with the receiver and this was subject to decision of the case.

Having considered the submissions made by the learned counsel for the petitioners as well as the learned Public Prosecutor appearing for the State and upon careful perusal of the record, it appears that the Revisional Court has not considered this aspect that the case is pending and during pendency of the main case, the order of releasing the amount in favour of Kalua, the revision-petitioner before the Additional Sessions Judge NO.1, Bharatpur has been passed.

In my considered view, the order dated 08.06.2000 passed by the Revisional Court interfering with the order dated 19.04.99 passed by the SDO, Bharatpur is per se illegal and contrary to law and the same deserves to be quashed and set-aside.

Consequently, the revision petition stands allowed and the impugned judgment dated 08.06.2000 passed by the Additional Sessions Judge No.1, Bharatpur is hereby quashed and set-aside and the order dated 19.04.99 passed by the SDO, Bharatpur is upheld.

Record be sent back forthwith.

(K.S. RATHORE),J.

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